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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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Jeyhan Karaoguz

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MCANDREWS HELD & MALLOY, LTD
500 WEST MADISON STREET
SUITE 3400
CHICAGO, IL 60661

EXAMINER

RYAN, PATRICK A

ART UNIT

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2427

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/675,489	Applicant(s) KARAOGUZ ET AL.	
	Examiner PATRICK A. RYAN	Art Unit 2427	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 June 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-31 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-31 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This Office Action is made in response to Reply to Final Office Action of February 21, 2008; filed April 21, 2008. As filed on April 21, 2008, Claims 1 through 31 are presented for examination.

Miscellaneous

2. Applicant is advised that the Examiner's Art Unit number has changed from 2623 to 2427. All further correspondence should be directed to Art Unit 2427.

Response to Arguments

3. Panel Decision from Pre-Appeal Brief Review of August 25, 2008 found Applicant's arguments, see Pre-Appeal Brief Request for Review of June 23, 2008 and Reply to Final Office Action of February 21, 2008, with respect to the rejection of Claim 1, 11, and 21 under 35 USC 102(e) as being anticipated by Proehl et al. (US Patent 6,990,676 B1), have been fully considered and are persuasive. The finality of the previous Office action has been withdrawn and Applicant's submission filed on April 21, 2008 has been entered. However, upon further consideration, a new ground(s) of rejection as shown below.

4. As presented in Advisory Action of May 13, 2008: Applicant has provided clarifying support (see Reply of April 21, 2008 Pages 12-15) for the limitation "wherein said announcement is displayed on said television screen without any input from the user" with reference to Paragraph [34] in view of Paragraph [41] of Applicant's

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Specification, therefore the rejection of Claims 1, 11, and 21 under 35 USC 112 first and second paragraphs (originally presented in Final Office Action of February 21, 2008) has been withdrawn.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claims 1-31 are rejected under 35 U.S.C. 102(b) as being anticipated by Shoff et al., United States Patent (6,240,555 B1), hereinafter “Shoff”.

7. In reference to Claim 1, Shoff teaches a method for providing information related to a broadcast television program (flow charts of Figs. 6, 7, and 9, as introduced in Col. 8 Lines 56-61 and Col. 12 Lines 39-41), the method comprising:

generating an announcement, remotely from a user's home, (method of authoring an interactive entertainment program by a content developer, shown in Fig. 9 and described in Col. 12 Line 24—Col. 14 Line 41);

delivering said announcement along with the broadcast television program for display on a television screen within the home (supplemental content is carried to the viewer over the same channel as the program, as disclosed in Col. 7 Lines 51-60; with further reference to Step 182 of Fig. 7, as described in Col. 10 Lines 18-58 and Step 254 of Fig. 9, as described in Col. 12 Lines 39-47), wherein the announcement is

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displayed on the television screen without any input from the user (indication of interactive content is generated at Step 162 of Fig. 6, as described in Col. 9 Lines 30-40; with further reference to Icon 204 of Fig. 8a, as described in Col. 9 Lines 41-53); and

receiving an input from the user that corresponds to the delivered announcement (decision of viewer to enter interactive mode, as disclosed in Col. 9 Lines 54-59; with further reference to Step 164 of Fig. 6).

8. In reference to Claim 2, Shoff teaches the method according to Claim 1, wherein the announcement comprises one or more of a service announcement, a media announcement, and/or a data announcement (target resources for supplemental interactive content can be in the form of a media announcement, such as information related to the program current being viewed by the user, as disclosed in Col. 3 Lines 28-38, Col. 5 Lines 12-60).

9. In reference to Claim 3, Shoff teaches the method according to Claim 1, comprising determining whether the received input one of accepts or rejects the delivered announcement (Step 164 of Fig. 6 “Viewer Activate?”, as described in Col. 9 Lines 41-59; with further reference to Fig. 8a).

10. In reference to Claim 4, Shoff teaches the method according to Claim 3, comprising, if the received input selection accepts the delivered announcement (YES at Step 164 of Fig. 6), transferring media associated with the delivered announcement for display on the television screen (Steps 170-176 of Fig. 6 regarding the reception,

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activation, and extraction of information related to a target resource, as described in Col. 9 Line 66—Col. 10 Line 58).

11. In reference to Claim 5, Shoff teaches the method according to Claim 4, comprising transferring the media concurrently with viewing of the broadcast television program (video stream and supplemental content can be transmitted together, as described in Col. 10 Lines 18-33. In addition Fig. 8c demonstrates Program 210 being displayed concurrently with supplemental content, as described in Col. 11 Line 3—Col. 12 Lines 23).

12. In reference to Claim 6, Shoff teaches the method according to Claim 1, comprising if the received input comprises an acceptance of the delivered announcement (YES at Step 164 of Fig. 6) and the delivered announcement comprises a service announcement, delivering service information related to the service announcement to the user within the home (supplemental content can include a merchandise catalog listing merchandise related to the program, as described in Col. 11 Lines 39—Col. 12 Line 23; with further reference to Fig. 8c).

13. In reference to Claim 7, Shoff teaches the method according to Claim 1, wherein the input is generated from one or more of a remote control, a keyboard, a scanning device, and/or an audio processing device (Remote Control Unit 30, as described in Col. 4 Lines 22-34; with further reference to Col. 9 Lines 54-59 describing other input devices).

14. In reference to Claim 8, Shoff teaches the method according to Claim 1, comprising generating supplemental information related to the announcement in

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response to the received input (in response to YES at Step 164 of Fig. 6, supplemental content is generated at Steps 170-178 of Figs. 6 and 7, as described in Col. 10 Lines 1-43)

15. In reference to Claim 9, Shoff teaches the method according to Claim 8 comprising presenting the supplemental information to the user (Step 180-186 of Fig. 7, as described in Col. 10 Line 44--Col. 11 Line 65; with further reference to Figs. 8b and 8c).

16. In reference to Claim 10, Shoff teaches the method according to Claim 8, comprising presenting on the television screen, the supplemental information to the user concurrently with the broadcast television program (Fig. 8c demonstrates Program 210 being displayed concurrently with supplemental content, as described in Col. 11 Line 3—Col. 12 Lines 23).

17. In reference to Claim 11, Shoff teaches a machine-readable storage having stored thereon, a computer program having at least one coded section for providing information related to a broadcast television program (Program Memory 96 of Computing Unit 90, shown in Fig. 5 and described in Col. 8 Lines 4-55), the at least one coded section being executable by a machine (applications 101, 102, 104, and 106 of Fig. 5, as described in Col. 8 Lines 4-55) for causing the machine to perform the method of Claim 1 (as addressed above).

18. The limitations of Claim 12 have been addressed with reference to the machine-readable storage of Claim 11 and the method of Claim 2.

19. The limitations of Claim 13 have been addressed with reference to the machine-readable storage of Claim 11 and the method of Claim 3.

20. The limitations of Claim 14 have been addressed with reference to the machine-readable storage of Claim 11 and the method of Claim 4.

21. The limitations of Claim 15 have been addressed with reference to the machine-readable storage of Claim 11 and the method of Claim 5.

22. The limitations of Claim 16 have been addressed with reference to the machine-readable storage of Claim 11 and the method of Claim 6.

23. The limitations of Claim 17 have been addressed with reference to the machine-readable storage of Claim 11 and the method of Claim 7.

24. The limitations of Claim 18 have been addressed with reference to the machine-readable storage of Claim 11 and the method of Claim 8.

25. The limitations of Claim 19 have been addressed with reference to the machine-readable storage of Claim 11 and the method of Claim 9.

26. The limitations of Claim 20 have been addressed with reference to the machine-readable storage of Claim 11 and the method of Claim 10.

27. In reference to Claim 21, Shoff teaches a system for providing information related to a broadcast television program (as shown in Figs. 2 and 4, and described in Col. 4 Line 14—Col. 5 Line 60 and Col. 7 Line 51—Col. 8 Line 3), the system comprising: at least one processor (Processor 92 of Computing Unit 90, as shown in Fig. 5 and described in Col. 8 Lines 4-55; with further reference to the operations of Headend 22,

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as described in Col. 4 Line 42—Col. 5 Line 60 and ISP 80, as described in Col. 7 Lines 36-50) that performs the method of Claim 1 (as addressed above).

28. The limitations of Claim 22 have been addressed with reference to the system of Claim 21 and the method of Claim 2.

29. The limitations of Claim 23 have been addressed with reference to the system of Claim 21 and the method of Claim 3.

30. The limitations of Claim 24 have been addressed with reference to the system of Claim 21 and the method of Claim 4.

31. The limitations of Claim 25 have been addressed with reference to the system of Claim 21 and the method of Claim 5.

32. The limitations of Claim 26 have been addressed with reference to the system of Claim 21 and the method of Claim 6.

33. The limitations of Claim 27 have been addressed with reference to the system of Claim 21 and the method of Claim 7.

34. The limitations of Claim 28 have been addressed with reference to the system of Claim 21 and the method of Claim 8.

35. The limitations of Claim 29 have been addressed with reference to the system of Claim 21 and the method of Claim 9.

36. The limitations of Claim 30 have been addressed with reference to the system of Claim 21 and the method of Claim 10.

37. In reference to Claim 31, Shoff teaches the system according to Claim 21, wherein the at least one processor is one or more of a media processing system

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processor, a media management system processor, a computer processor, media exchange software processor, and/or a media peripheral processor (Processor 92 functions as a media system processor, as described in Col. 5 Lines 4-55).

Conclusion

38. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

39. Shaefer et al., United States Patent Application Publication (2002/0124252 A1), teach a method and system for providing information alerts to viewers by way of interactive video casting (Abstract). In addition, Shaefer teach the display of an announcement in the form of Information Alert 404 of Fig. 4.

40. Any inquiry concerning this communication or earlier communications from the examiner should be directed to PATRICK A. RYAN whose telephone number is (571)270-5086. The examiner can normally be reached on Mon to Thur, 8:00am - 5:00pm EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Scott Beliveau can be reached on (571) 272-7343. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/P. A. R./
Examiner, Art Unit 2427
Thursday, October 30, 2008

/Scott Beliveau/
Supervisory Patent Examiner, Art Unit 2427